

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**ASTRAZENECA LP AND ASTRAZENECA AB,
*Plaintiffs-Appellants,***

v.

**BREATH LIMITED, APOTEX CORP., APOTEX,
INC., SANDOZ INC., AND WATSON
LABORATORIES, INC.,
*Defendants-Appellees.***

2015-1335

Appeal from the United States District Court for the
District of New Jersey in No. 1:08-cv-01512-RMB-AMD,
Judge Renee Marie Bumb.

ON MOTION

Before PROST, *Chief Judge*, BRYSON and LINN, *Circuit
Judges.*

LINN, *Circuit Judge.*

O R D E R

AstraZeneca LP and AstraZeneca AB (AstraZeneca)
seek to enjoin Breath Limited, Watson Laboratories, Inc.,

Apotex Corp., Apotex, Inc., and Sandoz, Inc. (collectively, the appellees) from launching and selling their accused generic products during the pendency of this appeal. Breath Limited, Watson Laboratories, Inc., and Sandoz, Inc. oppose.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to grant an injunction pending appeal. Our determination is governed by four factors: (1) whether the movant has made a strong showing of likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Hilton v. Braunkill*, 481 U.S. 770, 776 (1987).

Without prejudicing the ultimate disposition of this case by a merits panel, we conclude based upon the papers submitted that AstraZeneca has met its burden and is entitled to the relief requested.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) AstraZeneca's motion is granted.
- (2) As a condition for the injunction pending appeal, AstraZeneca is required to post a \$130 million bond with the district court within 7 days of the date of this order.
- (3) The briefing schedule for the appeal is expedited. AstraZeneca's opening brief shall be due within 14 days of the date of this order. The appellees' briefs will be due within 14 days after the filing of AstraZeneca's opening brief. AstraZeneca's reply brief and the joint appendix will be due within 5 days of the filing of the last of the appellees' briefs.

ASTRAZENECA LP v. BREATH LIMITED

3

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

s25